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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,222	06/04/2001	David Jeffrey Miller	10010869-1	4537

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

TUCKER, WESLEY J

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,222

Applicant(s)

MILLER ET AL.

Examiner

Wes Tucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's response filed April 3rd 2006 has been entered and made of record.
2. Applicant has amended claims 1, 7, 9, and 11. Claims 6, 10, and 16 have been canceled. Claims 1-5, 7-9, and 11-15 are pending.
3. Applicant's remarks have been fully considered but are not found persuasive for at least the following reasons.
4. Applicant has amend independent claims 1 and 7 to include the feature of:
"means for enhancing the digital image automatically using an automatic digital image enhancement system."

This feature was addressed in the previous office action when it appeared in claim 3. Shiota discloses such means, specifically Shiota enables a print laboratory to receive instruction information on how to generate a manipulated print and using these instructions the image is manipulated and printed (column 3, lines . This is interpreted broadly as "means for enhancing the digital image automatically using an automatic digital image enhancement system." Applicant remarks that neither the words "enhancement" or "automatic" appear in the cited passages of Shiota. Enhancement is interpreted to include any manipulation of an image especially as designated by a user as the images in Shiota clearly are. When the images are manipulated for printing according to the user's preferences this is enhancement. The enhancement or

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manipulation is considered automatic because the laboratory performs the enhancement or manipulation. Indeed that is the point of including the instruction information, so that the laboratory can perform the operations without direction of a technician. Therefore Shiota thoroughly conforms to the limitation of "means for enhancing the digital image automatically using an automatic digital image enhancement system."

5. Applicant further argues the combination of Shiota and Echerer with regard to claims 4 and 12. Applicant argues that Echerer's report does not describe image enhancements but rather only describes "calculations done using the image" (column 3, lines 7-8). It should be clear to Applicant upon at least a reading the abstract of Echerer that the purpose of the apparatus and method is to enable transfer of images, enhancement of images and reports of the enhancements of images. Applicant is directed to the following passage in Echerer:

"The enhancements and information are stored in a second memory location, separate from the bitmap. A report is prepared using the information and the image together with its enhancements and/or without them; the report is stored in a third memory location and also printed on the laser printer or possibly transmitted by modem to a remote user" (column 6, lines 31-37).

This report stores information about the image, the image enhancements, the image and the enhanced image. When Echerer refers to the enhancements, this is interpreted as information describing the enhancements because Echereer further

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teaches that the report is prepared with the image, the image information and the option of the enhancements. This report is fairly interpreted as an image enhancement packet.

With regard to Applicant's remarks regarding the motivation to combine Shiota and Echerer, Applicant argues that Shiota in the field of photographic print processing would not look to Echerer in the field of enhancing x-ray images to teach image enhancement packets. Echerer was only cited to teach that transmitting a packet of information over the Internet disclosing image enhancements along with the image itself is well known in the art. Shiota already discloses emailing enhanced images and messages regarding customer orders. Echerer is simply cited to teach that it would be obvious to send such information in a single packet or report. The art is therefore analogous. Transmitting enhanced images along with information detailing the enhancements made to said images is shown in the prior art in both Shiota and Echerer.

The previously made art rejections are maintained and accordingly made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,324,521 to Shiota et al.

With regard to claim 1, Shiota discloses a digital image routing system (Fig. 1), comprising:

Means for receiving a digital image packet at a digital image routing system (column 2, lines 21-32 and Fig. 1, element 2), wherein the digital image packet was directly sent from a customer via a network to the digital image routing system (column 2, lines 34-42), wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter (Fig. 2 and column 3, lines 5-18 and lines 32-45);

Means for selecting a remote digital image editing system according to the customer preference parameter using the digital image routing system (column 3 lines 5-18); and

Means for transmitting the digital image packet to a selected remote digital image editing system (Fig. 1 element 4) from the digital image routing system via the network (column 3, lines 5-18 and Fig. 1, elements 2, 3 and 4 and their dedicated lines). Her Shiota discloses several remote image processing laboratories which are selected according to user preference parameters.

Applicant has amend independent claims 1 and 7 to include the feature of:

“means for enhancing the digital image automatically using an automatic digital image enhancement system.”

This feature was addressed in the previous office action when it appeared in claim 3. Shiota discloses such means, specifically Shiota enables a print laboratory to receive instruction information on how to generate a manipulated print and using these instructions the image is manipulated and printed (column 3, lines . This is interpreted broadly as “means for enhancing the digital image automatically using an automatic digital image enhancement system.” Applicant remarks that neither the words “enhancement” or “automatic” appear in the cited passages of Shiota. Enhancement is interpreted to include any manipulation of an image especially as designated by a user as the images in Shiota clearly are. When the images are manipulated for printing according to the user’s preferences this is enhancement. The enhancement or manipulation is considered automatic because the laboratory performs the enhancement or manipulation. Indeed that is the point of including the instruction information, so that the laboratory can perform the operations without direction of a technician. Therefore Shiota thoroughly conforms to the limitation of “means for enhancing the digital image automatically using an automatic digital image enhancement system.”

With regard to claim 7, the discussion of claim 1 applies. The steps of the method claimed are disclosed in the operation of the system disclosed in Shiota as discussed with regard to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5, 8, 9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patents 6,324,521 to Shiota et al. and 5,384,862 to Echerer et al.

With regard to claim 2, Shiota discloses the digital image routing system of claim 1, further comprising:

Means for enhancing the digital image using the selected remote digital image editing system based on the customer preference parameter (column 2, lines 4-9, column 3, lines 18 and column 4, lines 44-64). Shiota discloses wherein the different remote image processors perform different functions on the images such as certain print preparation information such as enhancements and for example if the image will be printed on a postcard and also discloses generating a manipulated print such as a composite picture. All of these operations are performed according to customer preference parameter information.

Shiota does not expressly disclose means for transmitting an enhanced digital image packet to the customer including the enhancements made to the image. Shiota does disclose communicating with a customer after enhancements are performed, but does not disclose specifically transmitting the enhanced image along with a description of enhancements. Enhancing images and sending the enhanced images along with enhancement information is well known practice in the art of image processing.

Echerer discloses means for transmitting an enhanced digital image packet to a customer via the network (column 3, lines 1-11), wherein the enhanced digital image enhancement packet includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 3, lines 1-11 and Fig. 2). Echerer discloses an enhancement of a digital image and teaches that keeping these kind of records of image enhancements are good practice and also teaches that the enhancements can be reproduced when the enhancements are stored. Therefore it would have been obvious to one of ordinary skill in the art to use the practice of sending a user the enhanced images along with the image enhancement information in order to keep a record of the enhancements as well as making the image enhancements reproducible as taught by Echerer in the environment of Shiota because Shiota already describes sending the user feedback information about the image and enhancements. It would be a logical step to send Echerer the image enhancements as taught by Shiota.

With regard to claim 3, Shiota and Echerer disclose the routing system of claim 2 and Shiota discloses wherein the means for enhancing the digital image, includes means for automatically enhancing the digital image based on the customer preference parameter (column 3, lines 32-45 and column 4, lines 55-64). Shiota discloses sending order information disclosing ways to enhance and process images at remote laboratories. This is interpreted as happening automatically as it occurs without intervention and with information sent by user preferences.

With regard to claim 4, the discussions of claims 1 and 2 apply because claim 4 is claims 1 and 2 combined word for word. The rejection has been repeated for the Applicant's convenience.

Shiota discloses a digital image routing system (Fig. 1), comprising:

Means for receiving a digital image packet at a digital image routing system (column 2, lines 21-32 and Fig. 1, element 2), wherein the digital image packet was directly sent from a customer via a network to the digital image routing system (column 2, lines 34-42), wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter (Fig. 2 and column 3, lines 5-18 and lines 32-45);

Means for selecting a remote digital image editing system according to the customer preference parameter using the digital image routing system (column 3 lines 5-18); and

Means for transmitting the digital image packet to a selected remote digital image editing system (Fig. 1 element 4) from the digital image routing system via the network (column 3, lines 5-18 and Fig. 1, elements 2, 3 and 4 and their dedicated lines). Her Shiota discloses several remote image processing laboratories which are selected according to user preference parameters.

Shiota further discloses means for enhancing the digital image using the selected remote digital image editing system based on the customer preference parameter (column 2, lines 4-9, column 3, lines 18 and column 4, lines 44-64). Shiota discloses wherein the different remote image processors perform different functions on the images such as certain print preparation information such as enhancements and for example if the image will be printed on a postcard and also discloses generating a manipulated print such as a composite picture. All of these operations are performed according to customer preference parameter information.

Shiota does not expressly disclose means for transmitting an enhanced digital image packet to the customer including the enhancements made to the image. Shiota does disclose communicating with a customer after enhancements are performed, but does not disclose specifically transmitting the enhanced image along with a description of enhancements. Enhancing images and sending the enhanced images along with enhancement information is well known practice in the art of image processing.

Echerer discloses means for transmitting an enhanced digital image packet to a customer via the network (column 3, lines 1-11), wherein the enhanced digital image enhancement packet includes an enhanced digital image and an enhancement

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description packet that describes the enhancements made for each of the digital images (column 3, lines 1-11 and Fig. 2). Echerer discloses an enhancement of a digital image and teaches that keeping these kind of records of image enhancements are good practice and also teaches that the enhancements can be reproduced when the enhancements are stored. Therefore it would have been obvious to one of ordinary skill in the art to use the practice of sending a user the enhanced images along with the image enhancement information in order to keep a record of the enhancements as well as making the image enhancements reproducible as taught by Echerer in the environment of Shiota because Shiota already describes sending the user feedback information about the image and enhancements. It would be a logical step to send Echerer the image enhancements as taught by Shiota.

With regard to claim 5, the discussion of claim 3 applies.

With regard to claim 8, the discussion of claim 4 applies.

With regard to claim 9, the discussion of claims 3 and 5 apply.

With regard to claim 11, Echerer discloses storing an enhancement performed on a previous digital image (column 6, lines 31-36 and 56-68 and column 7, lines 4-10 and 23-35. and column 8, lines 35-40 and 51-56). Echerer discloses storing enhancements

and operations made to the images so that they can be saved and duplicated and compared with other transformations.

Echerer further discloses analyzing the enhancement performed on the previous digital image (column 6, lines 57-68); and

Establishing the enhancement parameter to be used by the automatic digital image enhancement system to automatically enhance the digital image (column 7, lines 4-10).

With regard to claim 12, the discussion of claim 4 applies. The method claimed is disclosed in the operation of the system.

With regard to claim 13, the discussion of claims 3, 5 and 9 applies.

With regard to claim 14, the discussion of claim 10 applies.

With regard to claim 15, the discussion of claim 11 applies.

Conclusion

8. Applicant's amendment necessitated the new grounds of rejection presented in the Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-2214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker

6-9-06


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